

FILED
U.S. DISTRICT COURT
ATLANTA, GA.
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CLERK M. James
SO. DIST. OF GA.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

CHRISTOPHER SINTEL KING,

Plaintiff,

v.

CIVIL ACTION NO.: CV506-064

DANIEL STONE, Warden; Lt. JONI
MUSIC; SUE SMITH, Assistant Warden;
Officer JOE JOHNSON, and VICKI
HANCOCK, Probation Officer,

Defendants.

ORDER

After an independent review of the record, the Court concurs with the Report and Recommendation of the Magistrate Judge, to which Plaintiff has filed Objections. In his Objections, Plaintiff asserts that his treatment amounts to cruel and unusual punishment in violation of the Eighth Amendment. Plaintiff further asserts that his Due Process rights were violated by his placement in isolation by prison officials. Finally, Plaintiff asserts that he was the victim of "malicious arrest," "malicious prosecution," "false arrest," and "false imprisonment."

The Court concurs with the Magistrate Judge that Plaintiff has failed to state a claim that either his Eighth or Fourteenth Amendment rights have been violated. Plaintiff's factual allegations fail to identify any treatment violative of the minimum standards of decency required by the Eighth Amendment. Plaintiff has also not demonstrated any atypical and significant hardship in relation to the ordinary incidents

of prison life. Finally, "Section 1983 imposes liability for violations of rights protected by the Constitution, not for violations of duties of care arising out of tort law. Remedy for the latter type of injury must be sought in state court under traditional tort-law principles." Baker v. McCollan, 443 U.S. 137, 146, 99 S. Ct. 2689, 2695-2696, 61 L. Ed. 2d 433 (1979). Plaintiff's claims of malicious arrest, malicious prosecution, false arrest, and false imprisonment are state law claims, and Plaintiff has a forum for these claims in the state court system.

Plaintiff's Objections are without merit. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Plaintiff's Compliant is hereby **DISMISSED**.

SO ORDERED, this 20th day of FEBRUARY, 2007.



WILLIAM T. MOORE, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA